

Weekly Federal Register Summary

Week of 11/2/2003

Prepared By
Naval Facilities Engineering Service Center
Code 42

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Introduction

About the Report:

This weekly federal regulatory summary contains summaries of Federal Register notices and other information and is provided as a service of Naval Facilities Engineering Service Center, Port Hueneme, CA for various Navy and Marine Corps environmental personnel. Content is screened to include environmental and health/safety items specifically relevant to the Navy/Marine Corps or of broad general relevance to DOD.

Meetings -

Meeting cancellations and date changes appear only in the Upcoming Meetings section; they are not re-entered in the Summary of Issues.

Subscription:

Interested DOD personnel may receive a free weekly e-mail of this report. To subscribe or unsubscribe, log on to <http://regscreen.nfesc.navy.mil/htm/Subscribe.htm>. Contractors can be added to distribution if endorsed by their DOD contract representative via e-mail to us at regdesk@nfesc.navy.mil. Include the DOD representative's name, e-mail, phone number, job title, command, and address and your e-mail, phone number, company, and contractual responsibility area. If you have problems, or need assistance please contact us at regdesk@nfesc.navy.mil or 805/982-1276.

Web Database:

A companion website is available at <http://regscreen.nfesc.navy.mil> (access limited to .mil domains) where you can find and retrieve items from past issues of the Weekly Regulatory Summary, or get an overview of upcoming regulations.

Feedback:

We have made every effort to ensure that the information provided is accurate and that all significant regulatory actions have been included. If you believe that an important issue has been omitted from this report or that the information is incorrect, please contact us at 805/982-1276 or 805/982-2640, or via e-mail at regdesk@nfesc.navy.mil. Suggestions for improvement are also appreciated.

If you have specific concerns or would like to provide information to support Navy/DOD impacts from identified issues, please forward an e-mail detailing your comments. Please include the title and date of the issue. We may be contacted at: regdesk@nfesc.navy.mil or call 805/982-1276.

Summary of Issues

1. General

Assessing Potential Allegations of Environmental Injustice	Date: 11/5/2003
Action Type: Notice and Request for Comments	Cite: 68 FR 62588
Summary: The EPA has issued a draft "Toolkit for Assessing Potential Allegations of Environmental Injustice." The toolkit is designed to assist in assessing allegations of environmental injustice and provides a framework for understanding national environmental justice policy. The documents sets forth various research tools and provides a systematic approach for gathering and analyzing data related to environmental, social, economic, and health-related technical information to determine whether or not an environmental injustice situation appears to exist. EPA defines environmental justice as the goal that all people, regardless of race, color, national origin, or income, receive fair treatment and equal environmental protection, and that all people have the opportunity for meaningful involvement in decisions that will affect the environment and/or the health of their community. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal environmental programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decisionmakers seek out and facilitate the involvement of those potentially affected. The Toolkit is available at: http://www.epa.gov/compliance/resources/publications/ej/ej_toolkit.pdf Comments are due by March 4, 2004.	
Potential Impact or Relevance: Potential interest to NEPA planners.	CFR References:
Further Information: Marla Hendriksson, Office of Environmental Justice, EPA, 202-564-1897, hendriksson.marla@epa.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27851.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-27851.pdf	

2. General

Denial of Petition to Ban CCA Pressure-Treated Wood Playground Equipment	Date: 11/4/2003
Action Type: Notice	Cite: Press Release No. 04-026
Summary: The Consumer Product Safety Commission (CPSC) has voted to deny a petition to ban the use of chromated copper arsenate (CCA) pressure-treated wood in playground equipment. The petition was denied because the industry has already agreed to stop using this CAA treated wood for most residential consumer uses by the end of 2003. EPA's cancellation of registration of CCA as a pesticide in treated wood for most outdoor residential uses will have the effect of banning the use of CCA-treated wood use in playground equipment, and most major manufacturers of playground sets have already ceased using CCA-treated wood. In a report submitted to CPSC Commissioners earlier this year, found that some children may face an increased risk of developing lung or bladder cancer over their lifetime from playing on playground equipment made from CCA pressure-treated wood. CPSC report states this increased risk to children is primarily due to exposure to arsenic residue on children's hands followed by hand-to- mouth contact. Transfer of the arsenic from the hand to the mouth can occur during and after playing on CCA pressure-treated wood playground equipment. To minimize the risk of exposure to arsenic from CCA-treated playground equipment, the CPSC staff recommends that parents and caregivers thoroughly wash children's hands with soap and water immediately after playing on CCA pressure-treated wood playground equipment. In addition, the staff recommends that children not eat while on CCA-treated wood playground equipment. CPSC and EPA are conducting studies of coatings and sealants to determine effective measures of reducing the amount of arsenic released from CCA-treated wood. Results are expected in the next year. A fact sheet on CCA treated wood is available at: http://www.cpsc.gov/phth/ccafact.html .	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://www.cpsc.gov/cpscpub/prerel/prhtml04/04026.html	

3. General

Nominations for Listing in the Report on Carcinogens	Date: 11/6/2003
Action Type: Notice	Cite: 68 FR 62825
Summary: The National Toxicology Program is soliciting comments on nominations for listing in the Report on Carcinogens, Eleventh Edition. Nominations include: - Lead and Lead Compounds, as reasonably anticipated to be human carcinogens - Neutron irradiation, as known to be a human carcinogen - X-Radiation and Gamma Radiation, as known to be human carcinogens.	
Potential Impact or Relevance: Potential interest to IR and lead based paint program management.	CFR References:
Further Information: Dr. C. W. Jameson, National Toxicology Program, (919) 541-4096, jameson@niehs.nih.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27892.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-27892.pdf	

4. CAA

Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration	Date: 11/7/2003
Action Type: Final Rule, Change	Cite: 68 FR 63021
<p>Summary: EPA is making two clarifications to the new source review rule published December 31, 2002 (67 FR 80186) to:</p> <ul style="list-style-type: none"> - include a definition of "replacement unit"; - clarify that the plant-wide applicability limitation (PAL) baseline calculation procedures for newly constructed units do not apply to modified units. <p>EPA has denied reconsideration for all other issues raised by the petitioners over the final rules.</p> <p>This final action is effective on January 6, 2004.</p> <p>EPA is also releasing a document entitled, "Technical Support Document for Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Reconsideration," EPA 456/R-03-005. This document contains:</p> <ul style="list-style-type: none"> - a summary of comments received on the issues for which EPA granted reconsideration and EPA's response to comments; - a summary of petition issues for which EPA did not grant reconsideration, and EPA rationale for denying reconsideration. This document is available at: http://www.epa.gov/nsr/petitionresponses10-30-03.pdf 	
Potential Impact or Relevance: Provided for information only.	CFR References: 40 CFR 51
Further Information: Lynn Hutchinson, Information Transfer and Program Integration Division, EPA, Research Triangle Park, NC, 919-541-5795, hutchinson.lynn@epa.gov	40 CFR 52
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28104.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28104.pdf	

5. *Climate Change And Energy*

Greenhouse Gas Emissions and Emissions Intensity in the United States and Other High-Emitting Nations		Date: 11/7/2003	
Action Type: GAO Report		Cite: GAO-04-146R	
Summary: GAO has issued correspondence to Congress on the subject of "Trends in Greenhouse Gas Emissions and Emissions Intensity in the United States and Other High-Emitting Nations." In the correspondence GAO describes how U.S. emissions and emissions intensity compare to the world's other highest emitters. Specifically, the report focuses on (1) how greenhouse gas emissions and the emissions intensity of the United States and the nine nations with the next-highest emissions changed from 1980 to 2000, (2) how such emissions and the emissions intensities of the same nations are expected to change between 2001 and 2025, and (3) how meeting the administration's goal of reducing emissions intensity by 18 percent would affect cumulative U.S. emissions between 2002 and 2012. The study indicates that between 1980 and 2000, energy-related carbon dioxide emissions increased in the United States and six of the other nine highest-emitting nations. During the same period, emissions intensities fell in all nations except India. Results are as follows:			
	Total Emissions (MMTCE) CY 2000	Emission Change (%)	Emissions Intensity*
United States	1578	22.5%	176
China	780	98.0%	749
Japan	310	18.8%	55
India	249	203.0%	520
Germany	226	-22.3%	84
Canada	158	26.4%	226
United Kindom	151	-10.6%	116
Italy	121	17.5%	100
South Korea	116	231.4%	187
France	109	-19.9%	67
*Emissions intensity is a ratio calculated by dividing emissions in a given year by economic output as Gross Domestic Output in 1996 dollars. Metric tons of carbon emitted per million dollars of economic output.			
Potential Impact or Relevance: Provided for information only.		CFR References:	
Further Information: No contact information provided.			
Full Text Document Location: http://www.gao.gov/new.items/d04146r.pdf			

6. CWA

Blending of Effluent at Publicly Owned Sewage Treatment Facilities - Policy	Date: 11/7/2003
Action Type: Notice and Request for Comments	Cite: 68 FR 63042
Summary: EPA is requesting comment on a proposed policy that addresses bypassing effluent at POTWs during wet weather conditions. The policy would provide for authorization in a NPDES permit allowing POTWs to bypass excess wet weather flows around biological or other advanced treatment units, with specific conditions: <ul style="list-style-type: none">- Final discharge must meet effluent limitations based on the secondary treatment regulation (40 CFR Part 133); monitoring is required,- The NPDES permit application for the POTW specifically declares the treatment scenario that would be used for peak flow management- Prior to blending, flows routed around the advanced treatment units receive at least the equivalent of primary clarification,- Bypassing is only used when advanced treatment units are being used at full capacity, and flows exceed the capacity of storage/equalization units. <p>The proposed policy is not intended to modify the provision for approval of anticipated bypasses at 40 CFR 122.41(m)(4)(ii).</p> <p>Comments are due January 9, 2004.</p> <p>Additional background is available at http://cfpub.epa.gov/npdes/cso/blending.cfm</p>	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Kevin Weiss, EPA Office of Wastewater Management, Washington, DC, (202) 564-0742), weiss.kevin@epa.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28103.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28103.pdf	

7. **EPCRA**

Toxic Chemical Release Reporting; Community Right-to-Know		Date: 11/5/2003
Action Type: Notice and Request for Comments		Cite: 68 FR 62579
Summary: EPA will hold an on-line public dialogue regarding options for reducing the burden on the regulated industry associated with the Toxics Release Inventory (TRI) program.		
EPA is seeking suggestions and ideas on a number of burden reduction options including:		
<ul style="list-style-type: none">- establishing higher reporting thresholds for small businesses or for certain classes of facilities or chemicals;- modifying the eligibility requirements of the Form A Certification Statement to expand its use;- creating a new form allowing facilities meeting certain criteria to certify to no significant change in reporting in the current year as measured against a designated baseline year;- using range codes in Section 8 of the Form R.		
EPA is also soliciting comments on potential enhancements to its TRI-ME reporting software.		
Comments are due January 5, 2004.		
EPA published a background paper on various burden reduction options. The paper is at: http://www.epa.gov/tri/phase2/phase_2.htm		
Potential Impact or Relevance: Provided for information only.		CFR References:
Further Information: Larry Reisman, Office of Information Analysis and Access, Toxics Release Inventory Program Division; EPA, 202-566-0751, reisman.larry@epa.gov		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27850.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-27850.pdf		

8. *Natural and Cultural Resources*

Take Permit for Whale-finder Sonar Systems	Date: 11/5/2003
Action Type: Notice	Cite: 68 FR 62563
Summary: National Marine Fisheries Service received an application top take gray whales related to sonar research. The applicant requests a permit to expose gray whales migrating offshore of central California to low-powered high- frequency active sonar ("whale-finder sonar systems") while simultaneously recording any reactions of the animals to the sound. In addition to the target species, which is not listed under the ESA, the applicant also requests authorization for unintentional "takes" of several other marine mammals that may be within the range of the whale-finder sonar systems. A draft environmental assessment has been prepared. The application and related documents are available at http://www.nmfs.noaa.gov/prot_res The draft EA is available at: http://www.nmfs.noaa.gov/prot_res/readingrm/Applications/1048-1717_draftEA.pdf	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Dr. Tammy Adams or Carrie Hubbard, (301)713-2289	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27846.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-27846.pdf	

9. **NEPA**

Environmental Impact Statements and Regulations; Availability of EPA Comments	Date: 11/7/2003
Action Type: Notice	Cite: 68 FR 63084
Summary: The following is a summary of comments issued by EPA to the following project: Ground-Based Midcourse Defense (GMD) Extended Test Range (ETR) Project, Construction and Operation, CA, AK, AS, HI and WA. Summary: EPA expressed environmental concern regarding how soil will be sampled for perchlorate and recommended that the ROD specify a perchlorate sampling plan. Final EIS ERP No. F-DOD-A11077-00	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28106.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-28106.pdf	

10. OSHA

Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins		Date: 11/3/2003
Action Type: Notice and Request for Comments		Cite: 68 FR 62218
Summary: Animal and Plant Health Inspection Service is amending the regulations to create a provisional registration for individuals and entities having access to listed biological agents and toxins. These provisional registration is designed to provide additional time for security risk assessments for those individuals and entities that submitted applications by November 12, 2003. The action is necessary to ensure that research and educational programs are not disrupted. This interim rule is effective on November 3, 2003. Comments are due by January 2, 2004.		
Potential Impact or Relevance: Provided for information only.		CFR References: 7 CFR 331 9 CFR 121
Further Information: Dr. Robert Flanders, Pest Permit Evaluations Branch, APHIS, Riverdale, MD, 301-734-8758		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27640.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-27640.pdf		

Upcoming Meetings

General

EPA's Draft Report on the Environment, 2003

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26052.htm>

Location	Start Date	Start Time	Duration	Details
Atlanta, GA	11/13/2003	9:00 AM	1 Day	
San Francisco, CA	11/18/2003	9:00 AM	1 Day	
Seattle, WA	11/20/2003	9:00 AM	1 Day	
Dallas, TX	12/12/2003	9:00 AM	1 Day	

CAA

Clean Air Scientific Advisory Committee Particulate Matter Review Panel

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26664.htm>

Location	Start Date	Start Time	Duration	Details
Research Triangle Park, NC	11/12/2003	8:30 AM	2 Days	

CBR and Security

Advisory Panel To Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27937.htm>

Location	Start Date	Start Time	Duration	Details
Arlington, VA	11/17/2003	8:30 AM	2 Days	

Federal Radiological Preparedness Coordinating Committee Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27626.htm>

Location	Start Date	Start Time	Duration	Details
Rockville, MD	12/2/2003	9:00 AM	1 Day	

Hazardous Material Transportation

Pipeline Safety: Gas and Hazardous Liquid Stress Corrosion Cracking Workshop

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-25894.htm>

Location	Start Date	Start Time	Duration	Details
Houston, TX	12/2/2003	8:00 AM	1 Day	

NEPA

San Jacinto River and Upper Santa Margarita River Watersheds, Riverside County, CA - Draft EIS for a Special Area Management Plan

Full Text http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr26de02-47

Location	Start Date	Start Time	Duration	Details
Hemet, CA	11/23/2003	6:30 PM	1/2 Day	

NEPA

Public Meeting on the Draft EIE for a Tertiary Treatment Plant at Marine Corps Base Camp Pendleton, CA

Full Text <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-27411.htm>

Location	Start Date	Start Time	Duration	Details
Oceanside, CA	11/13/2003	6:00 PM	1 Day	

NEPA

NEPA Task Force Report - Eastern Regional Roundtable Meeting

Full Text <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26973.htm>

Location	Start Date	Start Time	Duration	Details
Conshohocken, PA	11/13/2003	9:00 AM	2 Days	

SDWA

Meeting of the Drinking Water Contaminant Candidate List Classification Process Work Group of The National Drinking Water Advisory Council

Full Text <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-5910.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	11/13/2003	9:00 AM	2 Days	